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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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INDIA: Human rights of migrants under threat

The Asian Legal Resource Centre (ALRC), along with its sister concern, the Asian Human Rights Commission (AHRC) draws the attention of the Human Rights Council of the United Nations on the state of the human rights of migrants in India.

The ALRC is deeply concerned with the Indian's government's stance on the rights of migrants, especially of the Rohingyas that the Indian government refuses to recognise as refugees and is instead threatening to deport them on the basis of their being economic migrants. The ALRC urges the UN Special Rapporteur on the human rights of migrants to engage with the Indian government on the issue of the Rohingyas and their status as refugees.

India is also home to migrants from bordering countries such as Sri Lanka, Bangladesh, Nepal and Pakistan, who are in India for economic, family reunion or other reasons. AHRC's partner organisation MASUM in West Bengal routinely sends information regarding the ill-treatments and human rights abused, including torture and extra-judicial executions, meted out on Bangladeshi migrants at the Indo-Bangladesh border, particularly by the Border Security forces. Migrants in that region also face the threat of trafficking and in many cases are illegally detained in prisons in India, despite clear provisions barring the arrest of foreigners who may have been trafficked. MASUM also sends information regarding the treatment of Enclave Dwellers in India, who face peculiar issues due to the travails of history, and face issues of human rights abuses in the enclaves, including a lack of access to jobs, just policing and in many cases, basic amenities such as clean drinking water.

Domestic migrants in India, from states such as Assam and West Bengal, that migrate to other parts of India, too face extreme hardships and racism, with little or no protection from state governments. Migrants in India, whether domestic or cross-border, have a right to be treated humanely and a right to the protections of the law. The ALRC urges the UN Human Rights Council and the Special Rapporteur to engage with the Government to India to put an end to this hyper-nationalist and violent policing against migrants, that is becoming the order the day, and urge the GOI and the state governments to deal with the issues of migrants, including the Enclave dwellers, without resorting to force, violence or illegal arrest.